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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/087,011   | 02/26/2002  | J. P. Bourguignon    | 37522-1001C2        | 3397             |
| 23910  | 7590        | 12/08/2005           | EXAMINER            |                  |
| FLIESLER MEYER, LLP<br>FOUR EMBARCADERO CENTER<br>SUITE 400<br>SAN FRANCISCO, CA 94111 |             |                      |                     | BORIN, MICHAEL L |
|  |             | ART UNIT             |                     | PAPER NUMBER     |
|  |             | 1631                 |                     |                  |

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
|---------------------------------|-------------|---|---------------------|

EXAMINER

ART UNIT      PAPER

20051207

DATE MAILED:

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Commissioner for Patents

The amendment filed on 10/04/2005 canceling claim language addressed during the preceding prosecution and presenting new claim language drawn to a non-elected invention is non-responsive (MPEP § 821.03). The amended claims are not readable on the elected invention because the claim language was changed from method for "influencing cells" to method for "decreasing GnRH secretion", and from influencing particular cell type, Glu-controlled cells, to effect on GnRH in general. The methods are distinct as they have different effects. Further, a reference teaching "influence" on glutamate-controlled cells, such as described in Sara reference for example, will not necessarily teach attenuation of GnRH secretion. Thus, the amended claims require non-coextensive literature and patent search.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Borin whose telephone number is (571) 272-0713. The examiner can normally be reached on 9am-5pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on (571) 272-0722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Borin, Ph.D. Primary Examiner Art Unit 1631

mlb